

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE NIETO, JR.,

Plaintiff,

v.

JP MORGAN CHASE BANK, N.A., et al.,

Defendants.

No. 2:20-cv-0422-JAM-EFB PS

ORDER AND FINDINGS AND  
RECOMMENDATIONS

The court previously issued an order setting an initial scheduling conference for August 12, 2020, and directing the parties to file status report by no later than July 29, 2020. ECF No. 2. Defendant U.S. Bank Trust, N.A., As Trustee For LSF9 Master Participation Trust (“LSF9”) timely filed a status report. ECF No. 23. Plaintiff, however, failed to separately file his own status report. Accordingly, the status conference was continued, and plaintiff was ordered, by no later than August 12, 2020, to file a status report and to show cause why sanctions should not be imposed for his failure to file a status report. ECF No. 24. Plaintiff was also admonished that failure to comply with the order could result in the imposition of sanctions, including a recommendation that this action be dismissed for failure to prosecute and/or comply with court orders. *Id.* at 2.

The deadline has passed and plaintiff has not filed a status report, nor has he otherwise responded to the court’s order to show cause.

1 Accordingly, good cause appearing, it is ORDERED that the August 26, 2020 scheduling  
2 conference is vacated.

3 Further, it is RECOMMENDED that this action be dismissed for failure to prosecute and  
4 to comply with court orders. *See* Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110.

5 These findings and recommendations are submitted to the United States District Judge  
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
7 after being served with these findings and recommendations, plaintiff may file written objections  
8 with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings  
9 and Recommendations." Failure to file objections within the specified time may waive the right  
10 to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998);  
11 *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

12 DATED: August 19, 2020.

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14 EDMUND F. BRENNAN

15 UNITED STATES MAGISTRATE JUDGE  
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